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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,493	02/21/2001	Allan Henrik Suonpera	004770.00621	6757
22907 7590 11/30/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER PAN, YUWEN	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 11/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/788,493	Applicant(s) SUONPERA ET AL.	
	Examiner Yuwen Pan	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21,23-26,29-32,35-37,41-49 and 51-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21,23-26,29-32,35-37,41-49 and 51-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/07 has been entered.

Response to Arguments

Applicant's arguments filed 10/29/07 have been fully considered but they are not persuasive. The applicant argues that prior of record does not teach at least one newly added limitation "prior to initializing a data transfer between a first portable device and a second portable device, receiving a selection of a data category to be transferred to the second portable device". The examiner respectfully disagrees. Prior art of record, Shanahan reference teaches first and second communication links. The first communication link is utilized for transmitting data category such as audio sample, video clip that is going to be transferred from one portable device (source, figure 1 and item 50) to the other portable device (programmable device, figure 1 and item 20) under the selection of the user. So the source would have pre-knowledge what kind of information the user is requesting. The second communication link would be established for the data transfer once the data is converted and compatible with the receiving side. For detail explanation, please see the office action below.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 21-26, 29-32, 35-37 and 41-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piosenka et al (US005926756A) in view of Shanahan (US007149509B2).

Per claim 21, Piosenka discloses a method comprising: prior to initializing a data transfer between a first portable device (see figure 1 and item 50, source) and a second portable device (see figure 1 and item 20), receiving a selection of a data category to be transferred to the second portable device (see column 3 and lines 33-36, wherein the user is able to choose certain information such as audio sample at the programmable device, also see column 2 and lines 1-4), initializing the data transfer (established the second communication link for data transmission based on the user selection); the programmable device is able to receive a first set of personalized information of a first memory of the first portable device from the first portable device from the first portable device upon initializing the data transfer (see column 44-63); automatically selecting a second set of personalized information to be transmitted to the second portable device from the first set of personalized information based on the selected data category (see column 3 and line 64-column 4 and lines 3, different blocks of information is transmitted). Piosenka doesn't expressly teach receiving data field information from the second portable device wherein the data field information includes size information of one or more data fields, modifying the second set of one or more personalized information in accordance with the data field information Shanahan teaches that device programmer (see figure 1, item 30) would

evaluate the data information (use-defined information) that is received from programmable device (item 20) and determine whether the potential transferable information is compatible with the programmable device (e.g. the device programmer would covert CD format to MP3 format, text files in which could be phonebook and messages, see column 3 and lines 33-63) it would have been obvious to one ordinary skill in the art at the time the invention was made to evaluate and modify according to the capability of the second portable device such that transmitted data would not exceed the capacity of the ending terminal.

Same arguments apply, *mutatis mutandis*, to claim 29, 35, and 41.

Per claim 23, Shanahan further teaches that each of the first connection and the second connection comprised a wire-based data connection.

Per claim 24, Shanahan further teaches that the device programmer evaluate the second portable device's capabilities to receive the selected second set of personalized information (see column 3 and lines 44-53).

Same arguments apply, *mutatis mutandis*, to claim 30, 36.

Per claim 25, Picosenda further teaches that the first set of one or more personalized information is user selected (see column 6 and lines 39-47).

Same arguments apply, *mutatis mutandis*, to claim 31.

Per claim 26, Shanahan further teaches that each of the connection between the first and second portable device and computing device comprises a secure WAP session (see column 6 and lines 35).

Same arguments apply, *mutatis mutandis*, to claim 32, 37.

Per claim 42, Shanahan further teaches that the confirmation of the first data record is established (see column 6 and lines 35-41).

Per claim 43, Shanahan further teaches that the data storage specification include at least one of data filed size and a data type (see column 3 and lines 45-55).

Per claim 44, Shanahan further teaches that modifying the first data record in accordance with the storage specification including truncating at least a portion of the data first record (see column 3 and lines 44-64).

Per claim 45, Shanahan further teaches that writing command or send file command is executed after verification (see figure 10) and there is a chance that the file may already store in the programmable device (see column 11 and lines 21-32). It would have been obvious to one ordinary skill in the art to understand when a file is already stored in the storage the same file would be rejected at least would notify the user.

4. Claim 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piosenka et al (US005926756A).

Per claim 51, Piosenka discloses an apparatus (see figure 1 and item 30) comprising: a processor (see figure 2 and item 34); and memory (see figure 2 and item 26) configured to store computer readable instructions that, when executed, cause the processor to perform a method comprising: prior to initializing a data transfer between a first portable device and a second portable device, receiving a selection of a data category to be transferred from the first portable device to the second portable device (see column 2 and line 1-5, column 3 and line 33-35); initializing the data transfer (see column 2 and line 1-12, second communication link); receiving a set of personalized information including a first data record from the first portable device upon initializing the data transfer; transmitting, to the second portable device, a request to write the first data record to the second portable device, wherein the first data record is selected for transmission to the second portable device based on the selected data category (see column 3 and lines 44-63); receiving, from the second portable device in response to the request, a confirmation including data field size information of one or more data fields included in a second data record of the second portable device, wherein the second data record (see column 6 and lines 43-55, the user has choices between cancel or modification if one the file is over the capacity of the reprogrammable device) corresponds to at least one of: a calendar, a phonebook, a message box and a call register; modifying the first data record in accordance with the data field size information (in a "scrolling" fashion, see column 6 and lines 50-54) then transmitting the modified data to the second portable device. Piosenka does not expressly teach that the second data record corresponds to at least one of: a calendar, a phonebook, a message box and a call register. But Piosenka does teach the reprogrammable device could a PDA, or a wireless device (see column 6 and lines 30-32). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to resize the data record of calendar and phonebook, etc. such that transmitted data would not exceed the capacity of the ending terminal.

Per claim 52, Piosenka further teaches that large data file is modified in a "scrolling" fashion so that all the requested information may be reviewed (see column 6 and lines 43-54).

Per claim 53, Piosenka further teaches that the data file is truncated in to sections (see column 6 and lines 43-54).

Per claim 54, Piosenka does not teach the feature of rejecting a data record as information already existed on the second portable device. The examiner takes an "Official Notice" that it is notoriously well known in the art for a portable device such as a computer to reject file or data that is already stored. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have this feature in order to reduce the redundancy and save memory space with limited capacity of a portable device.

Conclusion

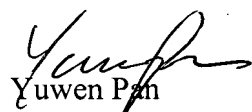
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Yuwen Pan
November 27, 2007